

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

HARRY WILEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

Case No: 2:25-cv-00227

ROBERT F. KENNEDY, JR., in his official
Capacity as Secretary of Health and Human
Services, and U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

**DEFENDANTS' CERTIFICATION PURSUANT TO THE PRELIMINARY
INJUNCTION ENTERED ON MAY 13, 2025, ORDER (ECF NO. 36)**

Pursuant to the Preliminary Injunction Order entered on May 13, 2025, the Defendants
certify as follows:

1. The Reductions in Force (RIFs) in the Respiratory Health Division ("RHD") of the
National Institute for Occupational Safety and Health ("NIOSH") have been rescinded to facilitate
the full restoration of the RHD, including the health surveillance through the Coal Workers Health
Surveillance Program and the Part 90 job transfer program.

2. In the event of the reorganization of the RHD, the Department of Health and Human
Services will comply with the Court's Order (ECF No. 36) and there will be no pause, stoppage,
or gap in the protections and services mandated to be performed by the RHD by Congress in the
Mine Act and the attendant regulations for the health and safety of miners.

3. The declaration of John J. Howard, Director of the National Institute for
Occupational Safety and Health (NIOSH), is attached as Exhibit 1 in support of this Certification.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2025, I electronically filed the foregoing **DEFENDANTS' CERTIFICATION PURSUANT TO THE PRELIMINARY INJUNCTION ENTERED ON MAY 13, 2025 ORDER (ECF NO. 36)** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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